

MAR 29 2006

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

BEAUMONT GEREAU-BEY,
Plaintiff,

Civil Action No. 7:05-CV-00605

FINAL ORDER ADOPTING REPORT
AND RECOMMENDATION

v.

WALLENS RIDGE STATE PRISON,
et al.,
Defendants.

By: Samuel G. Wilson
United States District Judge

Beaumont Gereau-Bey brings this suit pursuant to 42 U.S.C. § 1983, claiming that the defendants failed to protect him from an assault by a fellow inmate in violation of the Eighth Amendment. The defendants filed a motion to dismiss for failure to exhaust all available administrative remedies, and the court referred the matter to United States Magistrate Judge Michael F. Urbanski pursuant to 28 U.S.C. § 636(b)(1)(B) for a report and recommendation. The Magistrate Judge filed a report and recommendation, finding that Gereau-Bey had not exhausted all administrative remedies and recommending dismissal pursuant to 42 U.S.C. § 1997e(a). Gereau-Bey filed timely objections.

The court has reviewed the Magistrate Judge's report, pertinent portions of the record, and Gereau-Bey's objections. It is hereby **ORDERED** and **ADJUDGED** that the Magistrate Judge's report is **ADOPTED** in its entirety, that the defendants motion to dismiss is **GRANTED**, and that Gereau-Bey's suit is **DISMISSED** and **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send certified copies of this order to the plaintiff and to counsel for the defendants.

ENTER: This 29th day of March, 2006.



UNITED STATES DISTRICT JUDGE